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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL M. RAMARGE, ALAN P. YERGES,
DAVID P. BAILEY, and ROGER S. PERKINS

Appeal 2009-013788
Application 10/762,290
Technology Center 3700

Before: WILLIAM F. PATE III, MICHAEL W. O'NEILL, and
KEN B. BARRETT, *Administrative Patent Judges*.

PATE III, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from a rejection of claims 8-16, 18-22 and 33-39. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

The claims are directed to manufacturing process for a surge arrester module. Claim 8, reproduced below, is illustrative of the claimed subject matter:

8. A method for manufacturing an electrical module assembly, the method comprising:

providing an electrical module assembly including at least one MOV disk to which a reinforcing structure has been applied;

wrapping the electrical module assembly with shrink film;

compacting the wrapped electrical module assembly by heating the shrink film such that the shrink film shrinks and applies a compressive force to the electrical module assembly; and

curing reinforcing structure of the wrapped electrical module assembly at a temperature at which the shrink film no longer applies a compressive force.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Avdeenko	US 4,298,900	Nov. 3, 1981
Doone	US 5,218,508	Jun. 8, 1993
Mabbott	US 5,842,096	Nov. 24, 1998
Kester	US 6,008,975	Dec. 28, 1999

REJECTIONS

Claims 8, 9, 12, 14-16, 33, 36, 37 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Doone. Ans. 3.

Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Doone and Mabbott. Ans. 5.

Claims 13, 18-22, 34 and 35 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Doone and Kester. Ans. 6.

Claim 38 stands rejected under 35 U.S.C § 103(a) as being unpatentable over Doone and Avdeenko. Ans. 7.

OPINION

We have carefully reviewed the rejections on appeal in light of the arguments of the Appellants and the Examiner. As a result of this review, it is our conclusion that the applied prior art does not establish the obviousness of claims 8-16, 18-22 and 33-39. Therefore the rejections of all claims on appeal are reversed. Our reasons follow.

The Examiner argues that at a minimum Doone teaches the claimed limitation of curing the reinforcing structure of the wrapped electric modular assembly at a temperature at which the shrink film no longer applies a compressive force. Ans. 10. We disagree. Doone is silent with respect to whether the curing temperature of the pre-preg is at a value in which the shrink film no longer applies a compressive force. Therefore, rather than Doone teaching the argued limitation, we find that there is no evidence that the curing of the pre-preg of Doone occurs at a temperature at which the shrink film no longer applies a compressive force.

The Examiner further argues that Appellants include no specific temperatures in the claims. Ans. 10-11. However, we find Appellants'

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temperature limitation to be both clearly set out in the claimed subject matter and not found in the prior art. *See* App. Br. 4.

The Examiner has failed to provide evidence that the curing of the pre-preg of Doone is at a temperature at which the shrink wrap no longer provides a compressive force. Since Doone is the only patent alleged to recite this missing feature, all the obviousness rejections on appeal must be reversed.

DECISION

The rejections of claims 8-16, 18-22 and 33-39 are reversed.

REVERSED

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